

The High Court of Justiciary, Edinburgh, for robbery and house-breaking.

Wednesday, came on before the High Court of Justiciary, the trial of William Oak, weaver at Johnston, and Thomas Potts, weaver at Williamburgh, or Cessford, in the county of Renfrew, accused of robbery and house-breaking—Oak having failed to appear, sentence of fugitation was pronounced against him.

The indictment states, "That William Oak and Thomas Potts having, with others, their associates, on the evening or night of the 10th of March 1797, gone to the dwelling-house of John Barr, farmer in Gryscastle, parish of Houston, and county of Renfrew, did, in a most daring and outrageous manner, forcibly break open the door of the said dwelling-house, armed with bludgeons, swords, cutlasses, large knives, or such other weapons, and did thereafter proceed to the room where the said John Barr and his wife were sleeping, and having, by means of threats and imprecations, and by putting the said John Barr in fear of his life, compelled him to declare where his money was deposited; they, the said persons, or one or other of them, did immediately thereafter, wickedly and feloniously seize upon, and carry away, a pocket-book belonging to the said John Barr, (and which was then lying on a drawers head in the room where the said John Barr slept,) containing eleven guinea notes, or thereby, together with two bills, the one signed by Walter Lindsay, smith in Paisley, the other by Thomas Orr, or Lochwinnoch; as also some other papers, all the property of the said John Barr. And further, the said persons did thereafter, forcibly and feloniously, break open a chest of drawers in the said house; and did, from thence, carry away thirty shillings, or thereby, in silver, a pair of silver sugar tea-tongs, and six silver tea-spoons, all the property of the said John Barr."

The court pronounced the usual interlocutor, finding the libel relevant, and allowing the pannel a proof of all facts and circumstances, tending to exculpate him from the charge.

The Jury were then chosen, and the court proceeded to the examination of witnesses.

PROOF FOR THE CROWN.

John Barr, farmer in Gryscastle, deponed,—That on the night of the 10th of March, after eleven, his house was broke open by violence. The noise was so great, he thought the house was coming down. He heard somebody say, 'Secure the door and let nobody out.' They then came into the room where he was. He asked what they wanted? They said they were in search of a rogue. He asked what rogue? They said, his money. He said he had no money; but they said they must have money or they would kill him. He offered to rise, but they would not allow him. He then told them where to get the money, which was in a pocket-book in the same room.—They said they must have more money. He told them he had no more, but the keys were there, and they might search; they then broke open his wife's drawers, and took out some money in silver, &c. That afterwards he saw them go out of the room, and his maid came in, and advised him and his wife to make their escape, as they threatened to kill him. He accordingly made his escape out of a back door, with his clothes in his hand, along with his wife, and ran to a country town, about a quarter of a mile distant, to get assistance, and when he came back they were gone. There were three men in the room, one of whom was armed with a large stick, and another with a large knife. Being shown a knife, thinks it like that which was held over him, which was held with both hands. He understood there were more men in the house, as they had secured his two servants in another apartment. He thought, from their dialect, they were Irishmen. He had seen one of them before; does not recollect of seeing the pannel that night, and he is sure it was not he that visited the drawers.

Janet McLellan, wife of John Barr, the former witness, depones as to the time and day of robbery the same as the preceding witness. That she was asleep and was waked by strange people coming into the room, who demanded their money or their lives. The maid lighted a candle, but they would not let her husband rise. They then took the money in the pocket book, and the maid gave them the key of the drawers, when they took out the silver tea spoons and tongs, which they carried off, but gave her back her wedding ring and some trinkets.—They then said they would have more money, and one of them came with a rope; and threatened to tie them together, and put them in places like cabbage for the pot, if they did not give more money. They had three candles lighted, and desired the maid to light them out. When going out the

landlady asked them, what they had done, and when they told him, he said they had done it for the money, and they could get no more without paying the landlady for the candle mentioned in evidence. She then made her escape to a neighbouring house, in doing which she lost her dog. She swears positively to the large knife, and thinks the prisoner at the bar is one of the persons that was in the room, going backwards and forwards. There was a large cut made in the bed.

Jean Donaldson, servant to Mr Barr, deponed, the same as the preceding witness as to the house-breaking. That when they broke in, they demanded candles, and compelled her to light three. They robbed the house, and were a good while in it. She lighted them out, and heard one of them say, they could make no more of Barr, except they were to cut them in pieces as small as cabbage for the pot. That when they came first into the kitchen they threatened her, and she was in a great fright, but afterwards when they could get no candle, they desired her to rise, to be peateable and civil, and they would be d—d if they would touch her. She then rose, lighted the candles, and they asked her where the money lay—she said she could not tell. When she came into the room one of them was holding the knife, now on the table, over her master's head. She saw Aitchison rob the drawers, and take out the money. She saw the pannel that night in the house, particularly in her master's room and in the lad's room. She had never seen him before. Also saw him and Aitchison in Paisley jail afterwards. She is sure of Aitchison, because he robbed her master, and held her by the arm. Aitchison was produced, and she swore positively to him.

James Rowan, servant to John Barr, deposed, that the house was broke into, and he heard the noise of blows. One of the people broke open the room where he slept along with Joseph Lang. He had a candle in the one hand and a stick in the other, and said if he (Rowan) stirred he would murder him. He then asked where his master's money was, threatening his life if he did not tell. He said he could not tell. To the best of his knowledge, from the features of his face, he thinks he saw the prisoner at the bar in the house that night, and in his room. Thought from his speech he was a Scotsman.

George Aitchison, weaver in Irvine, who turned King's evidence, gave the following account of the origin of the robbery:—That he has been in Scotland five years, and is a native of Antrim in Ireland. He believes the pannel is an Irishman. On the day the robbery was committed, he met Oak and Potts in the afternoon about five o'clock. He had got an invitation some time before from Oak to meet at Barhead of Paisley, and met in consequence.—They then went to a public-house. William Pullings was likewise in company. Oak told the witness he lent for him as he wanted some money that night, and supposed he (the witness) wanted some too. William Oak and he went into a public-house at the west end of Paisley.—Thomas Potts and William Pullings parted from them, but they afterwards met them at Johnston, and they all four went to Barr's. Oak led the way, as he only knew the house. Oak said they would get a deal of money in that house. When they came to Barr's, the door was broke open, and they all went in except Oak. After they got into Barr's room, they demanded his money, and desired the maid to light candles. He heard a stroke, which he afterwards saw was at the bed with a large knife. Thinks it was Pullings made the stroke. Thinks it was Pullings made the stroke. Mrs. Barr was much frightened, but he desired her not to be in the least frightened.—He saw no money in Barr's, but when he came to Oak's house, the money was laid on the ground, amounting to 11l. in notes and about 1l. in silver, and some silver spoons. The money was divided, and he had about two notes and some silver for his share. He knows the prisoner at the bar to be T. Potts. He was afterwards apprehended and committed to Paisley jail, and when there he got a book from the jailor's son to read, which he said came from Potts.

The Lord Advocate charged the jury on the part of the Crown, and Mr. Ferguson made an ingenious defence for the pannel. The Lord Justice Clerk then summed up the evidence with great candour and impartiality. The Jury were inclosed at three o'clock afternoon, and returned their verdict this forenoon, unanimously finding the pannel GUILTY. The Court then pronounced sentence upon him, ordaining him to be kept in the colboon of this city till the 7th of August next, then to be transported from Scotland to the West Indies, to be lodged in Paisley jail, and there to remain till the 17th of August, on which day he is to be hanged at Paisley.